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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER COLUCCI, MICHAEL C	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,102

Applicant(s)

AGAPI ET AL.

Examiner

Michael C. Colucci

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Response to Amendment

Applicants amendment filed July 5, 2007 overcomes the following rejection/objection:

- 101 rejection of claims 1-20:
- 102 rejection of claims 1-5, 7-15, and 17-20
- 103 rejection of claims 6 and 16:

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicants amendment to claims 1, 10, 11, and 19:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (See MPEP Ch. 2141)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;

- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

2. Claims 1-5, 7-9, 11-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakisaka, US 6,112,174 in view of Hanson US 6064961 A.

Re claim 1, Wakisaka teaches a method in a speech recognition application callflow (fig. 1 or 4 illustrates a system for conducting a speech recognition callflow.

Note: a “call flow” as claimed is nothing more than an interaction within a voice response application particularly input and response. Thus, fig. 1 or 4 of Wakisaka encompasses this aspect. See also col. 4, lines 56-68), comprising the steps of:

placing a prompt into a workspace for the speech recognition application workflow (Wakisaka inputted speech via microphone 101). However Wakisaka fails to teach “symbolic representation of a prompt”. Hanson teaches a display area within a graphical user interface displaying text in a proofreader where the user is prompted to enter information by selecting the option to go to a previous or next word (col. 3 line 61-65 & fig. 1 a-d). “Of a graphical user interface”, Wakisaka fails to teach an interface graphically relaying information to a user. Hanson teaches the display of text with a speech recognition application, where text is shown in a graphical user interface (Hanson col. 2 line 21-30).

and attaching at least one among a pre-built grammar (dictionary 104 is the pre-built grammar as claimed. Note: A pre-built grammar list as claimed is broad as to be construed as a dictionary)

and a user-entered individual new option to the prompt (col. 7 line 13-19).

Wakisaka states "In the case where there is no corresponding word in a dictionary for an inputted speech, or in the case where the result of judgment in step ST504 is affirmative, the dictionary change-over section 103 receives the result of recognition 401 indicating the absence of the corresponding word and makes a change to a word dictionary of the next candidate made of an object of recognition (step 505)".

"repeating the sequence" "until the speech recognition application has been completed", Wakisaka fails to teach the repetition of placing and prompt and attaching a prompt. Hanson teaches the repetition of retrieving additional text and replacing text until no further text is requested (Hanson col. 2 line 21-30 & fig. 4). Therefore, the combined teaching of Wakisaka and Hanson would have rendered obvious speech recognition where a user is prompted with a symbolic prompt in a graphical user interface to select information and grammar having the speech recognition sequence repeat until the speech recognition is done.

Re claim 2, the method of claim 1, wherein the step of attaching the pre-built grammar comprises the step of selecting the pre-built grammar from a list (col. 11, line 13-16, teaches how words or sentences of speech are recognized and defined as a dictionary; (Wakisaka col. 11, line 63-65) teaches "a dictionary selected from said plurality of dictionary for speech recognition").

Re claim 3, the method of claim 2, wherein the method further comprises the step of searching the list of pre-built grammars for matches to the user-entered

individual new option. The aspects recited in claim 3 have been analyzed and rejected w/r to claim 1 above (Wakisaka col. 7 line 13-19).

Re claim 4, the method of claim 3, wherein if a match exists between the pre-built grammar and the user-entered individual new option, then the user-entered individual new option points to an equivalent pre-built grammar. (Wakisaka Col. 7 Line 20-25; Note: the claimed aspects are broad enough as to be viewed as synonymous for " the case where there is the corresponding word in a dictionary for an inputted speech (or in the case where the result of judgment in step ST504 is negative), the speech recognition processing is completed and the flow proceeds to the next processing for the result of recognition in the system."

Claim 5 has been evaluated and rejected with respect to claim 4. When a match exists between dictionary grammar and user-entered grammar, the dictionary grammar was already part of a list and does not need to be formed.

Re claim 7, when a user enters data into the workspace of a call flow and the data is added to a new dictionary/grammar file, the output would inherently be the customized result after speech processing. (Wakisaka See Fig. 1 or Fig. 4: 109)

Re claim 8, prototype by a user is broad as to be interpreted as creating something new or not final. This is understood to mean creating new grammar for the first time that does not exist in a pre-defined grammar list or dictionary until the speech processing is completed. (Wakisaka Col. 9 line 31-34)

Re claim 9, in figure 6, "make change to dictionary indicated by result of recognition" indicates that no auxiliary dictionary is formed; rather the data is added to an existing dictionary.

Re claim 11, the combined teaching discloses "A system for managing grammar options in a graphical callflow builder (Wakisaka fig. 1 or 4), comprises: a memory (Wakisaka 104, 105); and a processor (Wakisaka 106, col. 4, line 56-58) programmed to place a prompt into a workspace for the speech recognition application workflow (see discussion in claim 1); and attach at least one among a pre-built grammar and a user-entered individual new option to the prompt (see discussion in claim 1). Claim 11 teaches the system of the method of claim 1. Therefore claim 11 has been analyzed and rejected with respect to claim 1.

Re claim 12, see discussion for claim 2.

Re claim 13, see discussion for claim 3.

Re claim 14, see discussion for claim 4.

Re claim 15, see discussion for claim 5.

Re claim 17, see discussion for claim 7.

Re claim 18, see discussion for claim 8.

Re claim 19, a machine readable storage is described that stores a computer program that applies the method of claim 1. A machine-readable storage would be necessary to house a computer program in order for the method of claim 1 to be applied. No specific storage system is disclosed that is materially different than one

required to apply the method of claim 1, therefore claim 19 is rejected in view of claim 1.

See discussion for claim 1 as well as (Col. 4 line 48-54 and Fig. 1).

Re claim 20, see discussion for claim 2.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakisaka, US 6,112,174 in view of Hanson US 6064961 A and further in view of Chang et al US 6714905 B1 (herein after Chang).

Re claim 10, which summarizes the aspects of claims 1 and 4. Thus, it has been analyzed and rejected w/r to claims 1 and 4. The amended limitation is construed as the determination of user entered data failing to be a valid match, where the new entry is in a new database (lexicon, file, table, etc.) automatically built, where the term is a string and annotation. However the combined teaching of Wakisaka and Hanson fail to disclose the determination of a failed potential valid match where a new grammar is automatically constructed having recognition string and an associated annotation. Chang teaches the annotation of words as punitive keys and values according to a feature lexicon (Chang col 3 line 66 – col 4 line 8). Chang also teaches the automatic generation of grammar files with the newly extracted keys and values (Chang fig. 7 & col 9 line 1-10). Chang teaches a valid interpretation process where if no valid interpretations are found in the main database prior index fields are checked. If there is no match found at all, a valid key value group is generated (Chang col 4 line 55-64 & fig. 3). Therefore, the combined teaching of Wakisaka, Hanson, and Chang would have

rendered obvious the automatic construction of new grammar with new entries that are both a string and an associated annotation.

4. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakisaka, US 6,112,174 in view of Hanson US 6064961 A and further in view of Thomson, VoiceXML Vol. 2 Issue 7 (hereinafter, "Thomson").

Re claim 6, the combined teaching of Wakisaka and Hanson fails to teach VoiceXML as being part of the call flow system disclosed. However, Thomson discloses such information where "the VoiceXML gateway executes VoiceXML code and uses text-to-speech and speech recognition software to communicate with callers." (See Fig. 1, 2, and 3 and paragraph 4 line 2).

Therefore, the combined teachings of Wakisaka, Hanson, and Thomson would have caused the implementation of VoiceXML to be obvious for an advantage in speech-enabled applications.

Re claim 16, Claim 16 applies the method of claim 6. See discussion for claim 6

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colucci Jr. whose telephone number is (571) 272-1847. The examiner can normally be reached on M-F 7:30-5:00 alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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